IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.20004 of 1997

Dated: 06-02-2007

Between:

Golla Mallikarjuna, s/o Nagappa,
aged about 37years, Hindu,
r/o Pobberlapalli village,
Brahmasamudram Mandal,
Ananthapur District.

... Petitioner

and

1. The Mandal Revenue Officer,
   Brahma Samudram Mandal,
   Ananthapur District and another.

... Respondents

ORDER:

This petition is filed seeking *mandamus* declaring the action of respondents in interfering with the peaceful possession of petitioners in respect of the site in Survey No.310-1, situated at R.D. Dharmavaram, S.R.1, Kalyandurg, within the limits of Pobberlapalli village,

Brahma Samudram Mandal, Ananthapur District by trying to construct Anganwadi Centre, as arbitrary and illegal and consequently direct respondents not to interfere with the peaceful possession of petitioners in the said site.

2. This Court, on 22-08-1998 while issuing *Rule nisi,* directed the learned Government Pleader to file counter affidavit, if any, within a period of four weeks and also granted *status quo* in W.P.M.P.No.24257 of 1997. Despite the said fact, no counter affidavit is filed.

3. No doubt, the contention of the learned counsel for petitioner is that Anganwadi Centre was built elsewhere and the land belonging to the petitioner is no more required. However, as no counter affidavit is filed and it is not known as to whether the land belonging to the petitioner is required for the purpose of constructing Anganwadi Centre or not. In that view of the matter, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to interfere with the possession of the petitioner in respect of the land in question, except under due process of law.

4. Accordingly, the writ petition is disposed of. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.06-02-2007
GLV